

new long
A
SERMON
PREACHED
AT THE
ASSIZES

Held for the
County of *CORNWALL*,
AT
LANCESTON,
MARCH XVIII. MDCLXXXV.

By *NICOLAS KENDALL*, A. M. and
Rector of *Sheviock* in *Cornwall*.

L O N D O N,
Printed for *R. Royston*, Bookseller to His most Sacred
Majesty; and are to be sold by *George May*,
Bookseller in *Exeter*. 1686.

SEERMON

PREACHED

AT THE

ASSIZES

HISTORICAL

County of CORNWALL

AT

WIMBORNE

MARCH XXIII MDCCCXXV

By WILLIAM KILPATRICK, A.M. and
Rector of Wimborne Minster

LONDON

Printed by W. R. Bayly, Bookbinder, His Majesty's
Printer; and are to be sold by George Allen
Bookbinder in Exeter. 1826.

TO THE
Right Honourable
Sir EDWARD HERBERT
Lord Chief Justice of England;

AND
Sir ROBERT WRIGHT
One of the Judges of his Majesty's
Court of King's Bench.

My LORDS,

YOUR Lordships having expressed a desire, that the Discourse You were pleased to hear with patience at the Assizes in Cornwall, should be made publick; I have adventured it into the World, upon no other ground, but in obedience to Your Lordships Commands, and in hope of Your favourable Protection;

The Epistle Dedicatory.

*which as it must wholly proceed from
Your own Goodness and Generosity,
and is not pretended unto by any me-
rit either in the Author, or the thing
it self; so I trust it will be a clearer
Instance of Your Lordships Endea-
vours to promote any thing that may
tend to the good of the Publick: and
it will also lay a greater obligation
upon*

April 10.
1686.

Your Lordships in all Duty

most highly obliged Servant,

Nicolas Kendall.

~~those things wherein the Commandment is not
to give assistance of this
not to be in the latter~~

1 Sam. ii. 25. former part of the Verse.

> *If one man sin against another, the
Judge shall judge him; but if a
man sin against the Lord, who
shall intreat for him?*

IT has been observed concerning the
Sanctions of humane Laws, that they
have generally respect, rather to the
bad Examples of Crimes, and the in-
fluence they may have upon the Publick,
than to the nature of the Crimes themselves:
And hence it comes to pass that severer
punishments are inflicted upon some Of-
fenders, though their guilt in it self con-
sidered, may be less than that of those who
escape unpunish'd. For the great end of
all Laws being the conservation of the
Publick Good, and maintaining a Common
Interest; as long as that is secur'd, men
trouble not themselves so much about
those

those things, wherein the *Commonweal* is not concern'd. Not to give instances of this nearer home, 'tis said that in the *Eastern Parts* of the World, where men live promiscuously together, and have all things as it were in *common*; a small *theft* is thought to deserve the utmost *penalty*, because it is impossible they should subsist, in their way of living, unless they were very secure, that one dar'd not invade what was another man's. So true is it what old *Eli* has observ'd in the words before us, That if one man sin against another, if one man touches another in his Person or Interest, the Remedy is easie, the Law is open, or (as Dr. *Hammond* more critically renders ἀγοραῖοι ἀγωνίζου) the Assizes are held, they may implead one another, and the Judge shall judge him; but if a man sin against God, the case is not so; he is not in a capacity of making any satisfaction to the Divine Majesty, and few will dare to interpose on the behalf of such an Offender: If a man sin against the Lord, who shall intreat for him?

In

In which Words there is an evident distinction suppos'd between *two sorts of sins*, one, of those whereby *one man sins against another*, and then they have their remedy at Law ; *Est cognitio Civilis aut Ecclesiastica quâ res componi possunt* (saith Junius in his Notes upon this place) : the other is of such sins whereby *a man sins against the Lord*, not only as God is the great Legislator and Governour of the World, for so all sins are against him as transgressions of his Laws ; but *sins wherein God is a Party*, whereby he is prejudiced or dishonoured in those things that relate unto him : such was the sin of *Eli's Sons*, who prophaned the Sanctuary of God, and brought his Worship and Religion into contempt ; and in this case they could not hope to escape either by the mercy and lenity of a *Judge*, or the skill of an *Advocate* ; not by the intercession of Friends, or making an interest with Great Persons, or the like : *If a man sin against the Lord, who shall intreat for him ?*

I shall not trouble you with the different ways of rendring these words by se-

veral Interpreters, occasioned chiefly by the ambiguity of the word *אלהים* which though a Noun of the Plural Number, (yet by a peculiar Idiom of the sacred Language) sometimes signifies the only *one supreme God*, and at other times those whom the Psalmist calls *Gods*, i. e. *Magistrates and Judges*: but taking our *English Version* to be most agreeable both to the *Hebrew truth*, and to the intent of *Eli* in reproving his Sons; I shall in my following Discourse speak distinctly to both these sorts of Sins:

I. *Those whereby one man sins against another.*

II. *Those whereby a man sins against God.*

I. Of Offences between man and man; of which it is said, *If one man sin against another, the Judge shall judge him*: Whence I observe these three things.

1. That *Courts of Judicature*, for the decision of such Causes as might happen between man and man, was one of *God's own*

own Institutions among his people the Jews. Where if one man sinn'd against another, the Judge did judge him.

2. That 'tis the great happiness of any people, when there are such Courts of Judicature open, and the Laws have their free course, that so if one man sin against another, the Judge may judge him.

3. That 'tis the Duty of every private person to submit himself to such Judgments and Sentences, For when one man sins against another, the Judge must or shall judge him.

1. That Courts of Judicature, for the decision of, &c. While the Lord was their Political Sovereign, and their Government was (what Josephus truly calls it) a Theocracy, we find such Courts as these erected among them. At the instance of Jethro, together with the command of God himself, did Moses chuse able men out of all Israel, and made them Heads over the people; rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens; and they judged the people at all seasons: the hard Causes they brought unto Moses, but every small matter they judged themselves, Exod. 18. Out

In lib. contra Appion.

of these men (as some think) or at least such as these did *Moses* again by God's command chuse seventy men of the Elders of *Israel*, Numb. 11. and God indued them with a Spirit of Prophecy, that they might be able to instruct the people in the Law, and help to bear the burthen of them, which *Moses* had complain'd was too heavy for him : in agreement to which the *Jews* had always among them a supreme Court called the *Sanhedrim*, consisting of seventy one persons, seventy from the number *Moses* called unto him, and one whom they looked upon as his Successor, and therefore called him *Νῶν* Princeps Senatus, or Lord-Chief-Justice : and this High Court exercis'd Jurisdiction over them, not only under those extraordinary Judges whom God rais'd up at several times, and the *Kings* that succeeded them ; but also in all vacancies and *inter-regnums*,
 * *Josephus* continuing (if we believe their * *Histori-*
Antiq. l. 14. an) until *Herod* put them down to secure
 6. 17. himself of the Kingdom ; beside this, they had inferiour Courts or Consistories in every City, from all which there lay
 10 an

an Appeal to the great *Sanhedrim* at *Jerusalem*. I shall not trouble you with the several places of Scripture that allude to these Courts, it being sufficient to my present purpose to know that they were instituted at the *command of God*, supported by his *authority* and assistance in cases of greater difficulty, and that they continued among them † until the *Romans* came, and took away both their place and nation. Now though we cannot draw Arguments from every particular Law and Divine Institution among the *Jews*, to infer an obligation to the same in any other Nation, (they being instituted for such peculiar reasons as agree not to other people :) yet I think in the general an Argument is good, That whatsoever *God* appointed among them (the reason continuing the same) is expedient and necessary in any Government whatsoever. I'm sure *Christ* introducing the *Christian* Religion upon that of the *Jews* made no alteration as to this Point ; our Saviour was tried by the *Sanhedrim*, and submitted to their unjust Sentence, when he suffered, he threatned not ;

† Or as
Grot. Notis
ad Dent. 17.
usq; ad tem-
pora Messia,
quo misso au-
thoritas Sy-
nedrii eva-
nuat.

1 Pet. 2. 23.
the

Acts 4. the *Apostles* were brought before the *Council*, and never pleaded to the *Jurisdiction* of the *Court*: *St. Paul* particularly acknowledges that *Ananias* sat to judge him, *2^d*

Acts 23. 3. *νόμον*, according to *Law*, and begs pardon of the *Court* when he had reviled him, alleging his ignorance for excuse, and adding that he was instructed out of the *Law* not to speak evil of the *Ruler* of *God's* people. And the first *Christians*, when

Mark 13. 9. they were brought before *Councils* and *Magistrates* and *Rulers* (as our *Saviour* had foretold of them) though the accusations were false, and the crimes could not sufficiently be proved against them, yet they questioned not the *Authority* of the *Magistrate*; if the *Judge* judged them guilty, they patiently submitted themselves. All this is so plain, that I should not have mentioned it, but for the *Enthusiastick* conceits of some of our *Northern Neighbours*, who for the erecting of (what they blasphemously call) the *Kingdom of Christ*, cry down all *Magistrates* and *Laws*, as unnecessary under the *Gospel*, and but so many infringements of our *Christian Liberty*: the
extravagance

extravagance of which error needs no other confutation, than the horrid confusions it has, and will always, raise wherever it shall be entertained. And therefore,

2. 'Tis certainly the great happiness of a people when there are such *Courts of Judicature* open, and the *Laws* have their free course, that so if one man sin against another, the Judge may judge him. For either we must suppose men to be so just and equal of themselves, as to have no need of *Laws*, or *Judges* to judge them; or else we must allow *private revenge*, and suffer every man to judge for himself. The first of these, viz. That men should be just and equal without *Laws*, we may well talk of, and wish for, as a most happy condition, and most agreeable to the nature and sublime Excellencies of Mankind; but no man that is ever so little acquainted with the World will venture to try the experiment. Among all the diversities of *Laws* and *Governments* that have been in the World, there was no man ever attempted to establish a *Society* without any at all, as well

well knowing that to be wholly impracticable, and those *Societies* have always been lookt on as the most prosperous and happy, where the *Laws* have been most *equal*, and the execution of them most *punctual*: for let men be never so well instructed in the Precepts of Vertue, and let Religion too come in for a new obligation to Duty, yet still there are *hopes* and *fears*, passions natural to mens minds, and these must be wrought upon by *Rewards* and *Punishments*; and all little enough, God knows, to keep up the face of *Order*, and the *Decorum* of a Society among men. *Nunquam tam bene actum est cum rebus humanis ut plures sint meliores*, the worse are always the most in number; and should men be let alone to their own inbred Notions of *right* and *wrong*, and *good* and *evil*: the few that would live up to these Rules, would be an easie prey to the many that would despise them: Without Laws then, and the *execution* of them, we cannot be happy or safe. Nor on the other side, can it be less ruinous to permit *private revenge*, and suffer every
man

man to judge for himself. This is what no equal man will desire, and what the unjust will always abuse; 'tis to give way to force and violence, and to let Right be determined by the strength of mens Arms, and sharpness of their Weapons; 'tis to expose Innocence, which of it self is but a weak defence against blind rage and brutish passion: We may guess to what a wretched estate this would reduce us, (if generally allowed) by the evils caused among us by those, that will avenge their Quarrels in private Combats and Duels: On what slight accounts do men engage in them? To what an height of revenge are they carried on? and how does the shedding of *Bloud* stain our Shores, and the cry of it invade Heaven? *Vengeance is mine, I will repay* (saith the Lord.) The Magistrate has provided Laws for the punishment of evil Doers, and for the praise of them that do well; but these men, as neither fearing God, nor regarding man, acknowledge no Laws but their own will, no God || but their own right hand. A Barbarity this, that was first introduced into these parts of the World, by the incursions of the Goths

C

and

Rom. 12.

19.

1 Pet. 2. 14.

|| So Mezen-
tius in Vir-
gil, *Dextra*
mihi Deus.

and *Vandals* : for in the ancient *Greek* and *Roman* Histories we meet with few or no footsteps of this practice among men of Honour : Not that they wanted either Spirit to resent an injury, or Courage to right themselves. No men ever express a more generous contempt of life than *these* did upon all occasions ; and if at any time they thought it Great and *Roman-like* to dye, the *Draught of Poyson* or the *Ponyard*, the *Barbers Razor* or the *River*, cannot be more ready now than they were then : but they had not that false Notion of *Honour* among them, that so prevails now adays, whereby men perswade themselves that the least affront is not to be expiated but with the *blood* of the Offender ; that 'tis beneath a man that wears a *Sword* to submit his Cause to the decision of the *Law*, and therefore they will be their own Judges and Avengers too : in the first, they usurp upon the *Laws of the Land* ; in the second, upon the *Laws of God*. If this be true Courage, if it be that *Fortitude* that is recommended as a *Vertue*, 'tis what no *Moralist* has ever yet acquainted us with ; 'tis rather the dictate of those

διαθερμυς

διαβεβηγε υῖοι, as || *Aristotle* calls them, those || *Rhet. lib. 2.*
 warm Youths, whom he would scarce c. 14. *ὁμοῦ*
 allow to be fit *Hearers* of Morality, so far *γὰρ οἱ διανο-*
 are they from being fit *Teachers* of it; 'tis *μόνοι, ἔτι*
 the *Ethicks* of a *Fencing-School*. If this be *διαβεβημοί εἰ-*
 an evil among us that is grown too *σιν οἱ υῖοι*
 great for a remedy, I hope we may be *ὑπὸ τῷ φύσει*
 permitted without affront to lament it as
 the unhappiness of our times, that under
 such excellent *Civil Constitutions*, and a *Re-*
ligion so well reformed, as we live; men
 should yet be given over to that degree of
madness, as to throw away their *Souls*, for
 which they are to give an account to Al-
 mighty God; their *Lives*, which they
 owe to the Service of their *King* and
 Country; their *Estates*, for which they
 are in some sort indebted to their *Poste-*
rity; and their *Fame* and *Reputation*, for
 which they are accountable to the whole
 World; and all this upon such pitiful and
 trivial accounts, as any great or wise man
 must needs think foolish and beneath
 him. So then if we cannot subsist, much
 less be happy, without *Laws*, or at the
 mercy of every one that will make *Laws*,
 and execute them himself; our happiness

must consist (as it does) in that our Laws are in the hands of such men as are described in Deut. 1. *Men of wisdom and understanding, men of courage and integrity, that will hear the Causes between us, and judge righteously between every man and his brother; that will not respect persons in Judgment, but will hear the small as well as the great, that will not be afraid of the face of man, for the judgment is God's.* And hence it follows,

3. That 'tis the Duty of every private person to submit to the *Judgments and Sentences* of such men; for if one man sin against another, the Judge must judge him. 'Tis every man's Duty, as he is Member of a Society, to contribute what he can to the *prosperity and welfare* of it. And this prosperity consists mainly in keeping the *Magistrates Authority* intire and in repute; which, next under God's Providence, is the great support of any *Government*. Now the chief end of the *Magistrates Power* is to compose Quarrels and Disputes, howsoever they are raised; and, when men will neither be perswaded by *reason*, nor inclined by *good nature*, to force them to be just and equal by *exemplary Punishments*; for

for a man then to decline the Sentence of the Judge, and to take any other way to right himself, is to vacate all *Authority*, and to dissolve the very Bonds and Ligaments of Society. Besides the obligations of *Oaths* and *Covenants* to obedience, even moral honesty and gratitude it self should teach us to submit : for how can we otherwise answer the happiness we enjoy in the protection of the *Laws* ? Whence it comes to pass that every man calls what he has, his own ; that in the Scripture-Phrase, *We* Micah 4. 4. may sit every man under his own Vine, and under his own Fig-tree, and drink the waters of his Prov. 5. 15. own Cistern ; if in return we do not willingly abide the tryal of the *Law*, and submit to the penalty when we are found guilty. Saint Paul takes it so much for granted, *That an Oath for confirmation is* (and ought to be) *an end of all strife*, that he thereby illustrates the ἀμεταβέβητος ἔβελης, the immutability of Gods counsel, Heb. 6. 16, 17. And this Oath (saith *Estius* upon that place) ought to be *coram Iudice* ; upon which evidence a Sentence pronounced has by all civilized Nations been ever reckoned sacred and inviolable. No man then dares

dares appeal from the *Laws* to himself, but the *lawless* and disobedient, who therefore hate the *Laws* because they fear them. And thus have I done with the first sort of sins, whereby one man sins against another ; I come now to consider,

II. The *sins* whereby we *sin* against *God*, of which it is said, *If a man sin against the Lord, who shall intreat for him ?* Whence I observe these two things :

1. That *sins* against *God* leave a man in a more desperate estate, than those whereby one man *sins* against another.

2. That therefore a greater *care* should be taken to avoid these *sins*, and a greater degree of *sorrow* and repentance when we fall into them.

1. That *sins* against *God* leave a man in a more desperate estate, than those whereby one man *sins* against another. For in this latter case restitution may be made to the person wronged, and satisfaction to the Law, and *God* may also please to accept of these sufferings, and remit the guilt : But when a man sins with an high hand, aiming directly at the Person and Majesty of *God*, what can he propose to make

an atonement ? *There remains no more sacrifice for such sins ; but a certain fearful looking for of Judgment and fiery indignation, to devour those adversaries.* These sins are so common among us, that I need not name them, but to wonder withal how they come to be so little regarded. Such are *blasphemy and cursing, rash and false Oaths, abuse of God's Word, ridiculing the holy Scriptures, Sacrilege, and contempt of things Sacred, Idolatry, Irreligion and Atheism* it self. These are the *causæ majores* in God's Canon-Law, that are reserved for the highest Tribunal ; these too men may punish, as far as concerns the *Publick*, to hinder the spreading and prevalence of them : but who shall remit, or who can inflict God's part of the penalty ? *No man may deliver his Brother, or make an agreement unto God for him ; for it cost more to redeem their souls, so that he must let that alone for ever.* The dignity of the person offended, the obligations he has laid upon us, and consequently the Duty we owe him, the abuse of his mercy, presuming upon his Goodness, and slighting his acts of Grace, (which single are great aggravations) do all concur here ; and though

Heb. 10. 27.

Psal. 49. 7, 8.

though the sin be thus heightned, yet all the usual methods of atonement fail us too : He that has dishonoured *God*, can never make amends by his after-endeavours to set forth his Glory ; for this is but his *Duty*, and can quit no Scores : there is no hope to palliate or blanch a crime before him that knows not the matter of Fact only, but the very design and intention of the Actor. He may intreat others to pray for him : I dare not say their prayers will be altogether in vain : but *St. John* hath told us, that he can give no encouragement to

1 Joh. 5. 16. pray for those that *sin a sin unto death*, i. e. are guilty of any heinous and daring impiety. Thus in the case before us, the iniquity of *Eli's Sons*, who had made themselves vile or accursed, could not be

1 Sam. 3. 14. purged with sacrifice, nor offering for ever. And we read in the History of *Job*, that while his Sons were feasting one another, and revelling in all the luxury of a plenteous Fortune, the pious Father was careful to offer burnt-offerings for each of them : for

Job 1. 5. (said he) it may be that my Sons have sinned, and cursed God in their hearts, and no doubt but the good man had reason enough to suspect

suspect

suspect his *Sons* might be thus guilty : but however that were, his Sacrifices prevailed little ; for they were all destroyed by a very signal Judgment. Whither then can we fly but to that *God* whom we have offended ? from his Justice we may appeal to his Mercy : but when we have sinned against that too, when Mercy it self shall condemn us, *Who then shall intreat for us ?* The result of all is,

2. That the greatest *care* should be taken to avoid those *Sins*, and a very great degree of *sorrow* and repentance when we fall into them. For where the danger is every way so great, and no other means left of escaping it, we need not be long to determine our selves in the choice ; indeed there is nothing so easie , if we rightly consider it, as to keep our selves from *sinning against God* : to fear him as our *Lord*, to love him as our *Benefactor*, to obey him as the *supreme Governour of the World*, is natural to us as men, and highly becoming us as his *Creatures*. We can pretend no temptation to dishonour him ; it must be the effect either of *inveterate malice*, or *gross inconsideration*. The *Adulterer* and the

D

Drunkard

Drunkard may talk of gratifying their lusts and appetites ; the *ambitious* and *revengeful* man may raise himself upon the ruines of his Adversary ; the *Thief* gets by his *stealing*, and the *covetous man* lays up something in store ; but he that *sins against God* can pretend to none of these ; he gratifies no lust, serves no appetite, gets neither pleasure nor wealth, is not the richer or the more esteemed, but *sells himself to work wickedness* at no rate. A man but of ordinary prudence will not easily provoke an Adversary he knows he can no way prevail against, *Why then do we provoke the Lord to jealousy ? are we stronger than he ?* A man that shall scorn to do an *ill* or a *low* thing, a man that is jealous of his own Honour to the last Point, and sensible of the least abuse that is put upon him, shall yet dishonour God in his *Day*, in his *Church*, in his *Service*, in any thing that belongs unto him, and make light of it : This, as it shews the great ^{degree} ~~danger~~ of corruption into which we are fallen, so it should likewise show us what we are to do to recover the Dignity of our Nature, the Perfections of our Being. We cannot higher
advance

1 Cor. 10.
22.

advance our selves, than by drawing near unto God in doing him worship; and he has said it, *Those that honour me, I will honour*; 1 Sam. 2. *and they that despise me, shall be lightly esteemed.* 30.

Men cannot be so stupid as to think God's Judgments shall never overtake them, because they are spared a while: * All the wise men in the World have ever dreaded a vengeance that is slow and long a coming. * *Plutar. de sera Numinis vindicta.* Whoever then reflecting upon his former life, shall find himself guilty of those sins for which there is no remedy, unless it shall please God to accept his sorrow and repentance, let him earnestly repent, and be heartily sorry for these his mis-doings. It was the Prophet Jeremiah's course, *Lament. 1. 16. For these things I weep, mine eye, mine eye runneth down with water, because the Comforter that should relieve my soul is far from me.* Let his repentance be as sincere as his fault has been heinous, and then who knows but God too may return and repent, and leave a blessing behind him.

And thus I have gone through the Se-
verals I observed from the Text: But I
should forget that we are not under the

Law,

Rom. 6. 14 *Law*, but under *Grace*, if in conclusion I should not supply the sense that *Eli* hath left imperfect, by answering the Question here proposed, *If a man sin against the Lord, who shall intreat for him?* Take the

1 Joh. 2. Answer in the words of S. John, *If any man sin, we have an Advocate with the Father Jesus Christ the righteous: and he is the propitiation for our sins.* We need no other Mediator to intercede for us, neither do we put our trust in any other; his Merits are all-sufficient, his Intercession is most powerful. Let us therefore beseech him by his Agony and Bloody Sweat, by his Cross and Passion, by his precious Death and Burial, by his glorious Resurrection and Ascension, to deliver us from the wrath to come.

To him, with the Father and the Holy Ghost, be ascribed all Honour, Praise and Glory, now and for ever. Amen.

F I N I S.

